

**RULES
OF
THE TENNESSEE DEPARTMENT OF HUMAN SERVICES
CHILD SUPPORT DIVISION**

**CHAPTER 1240-2-2
FORMS FOR WITHHOLDING OF INCOME FOR CHILD SUPPORT**

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1240-2-2-.01 PURPOSE AND SCOPE OF RULES

- (1) The forms contained in this Chapter relating to the issuance of Orders for the withholding (assignment) of income of obligors of support shall be mandatory forms, pursuant to the provisions of Tennessee Code Annotated, §36-5-501(n), for use by Clerks of all of the various courts of Tennessee which establish and enforce child support orders, and by the Department of Human Services and its contractors.
- (2) These forms may be generated by computer by the Tennessee Child Support Enforcement System (TCSES), as well as individually by the Department, its contractors or by the Clerks by word processing or other suitable means, and minor changes in formatting of the information shall not affect the validity of these forms for the purposes intended. Provided, however, that the form entitled Order/Notice to Withhold Income for Child Support is a form required by the United States Department of Health and Human Services and shall remain substantially as it is drafted except for the additional information which may be contained in Paragraph #10 of the form, or except for purposes of signifying that the Order/Notice has been modified as shown in 1240-2-2-.12 due to changes in the ordered amounts of support.
- (3) Forms reproduced for actual transmission to affected persons or entities may also contain highlighting or shading of areas of the forms for easier reading and emphasis of the contents or may contain state logos. Spaces for information indicated on the forms shall be utilized only to the extent applicable in the particular case.

Authority: T.C.A. §§4-5-202, 36-5-501, 71-1-132(c), 42 United States Code §§651 et seq., 42 USC §§652(a)(11), 654(9)(E), 654a(g)(1)(A)(ii) and 666(a)(8) and (b), 45 C.F.R. §§303.6(c)(1), 303.7, and 303.100.
Administrative History: Original rule filed December 17, 1985; effective January 14, 1986. Amendment filed October 17, 1986; effective January 27, 1987. Amendment filed August 25, 1989; effective October 13, 1989. Repeal and new rule filed December 7, 1994; effective February 20, 1995. Repeal and new rule filed October 14, 1999; effective December 28, 1999.

1240-2-2-.02 DEFINITIONS

- (1) “Arrearage or “Arrears” means any occasion on which the full amount of support ordered for or on behalf of a minor child, or for a spouse or former spouse of the obligor with whom the child is living to the extent the spousal support would be included for the purposes of 42 USC §654A(4), is not paid by the due date for arrears as defined in §36-5-101(a)(5) unless an income assignment is in effect and the payer of income is paying pursuant to subsection T.C.A. §36-5-501(g). Arrears or arrearage may also be known as and referred to in these rules as “past-due” or “overdue” support.
- (2) “Business entity” means any private or public, profit or non-profit organization, association or institution of any kind which produces goods, products, or which performs services of any kind.
- (3) “Child support” or “support” for purposes of this chapter means a judgment, decree, or order, whether temporary, final or subject to modification issued by a court of competent jurisdiction or an administrative agency of competent jurisdiction, for the support and maintenance of a child, including a child who has attained the age of majority under the law of the state which issued the order, and shall include the support of a parent with whom the child is living, and which order, judgment or decree provides for monetary support, health care, arrearages, or reimbursement, and which may include related costs and fees, interest, penalties, income withholding, attorneys fees and other relief.
- (4) “Clerk” means, for purposes of this chapter, the official and his or her employees who maintain the court records for any court involving child or spousal support cases and who provide any related services in such cases.
- (5) “Delinquency” or “Delinquent” shall have the same meaning as the terms “arrearage” or “arrears”.
- (6) “Department” means the Tennessee Department of Human Services or its contractors who provide child support services in the courts of Tennessee to the Department as part of the Department’s responsibilities under Title IV-D of the Social Security Act.
- (7) “Employer” means the person, corporation or other business entity who or which engages a person to perform any services for compensation and shall include the federal government, a state government or any political subdivision thereof, and any institution or other business entity which has in its control funds due to be paid to a person who is obligated to pay child support.
- (8) “Income assignment” or “Income withholding” means the process by which the income due or to be paid or credited to an employee or other recipient of income is, for the purpose of paying child or spousal support, directed by an Order/Notice to Withhold Income for Child Support (Order for Income Assignment) to be withheld by the employer or other payer of income pursuant to an original or modified child or spousal support order of the court or an administrative order of the Department of Human Services, its contractor or other Title IV-D child support agency.
- (9) “Obligee” means the person or agency to whom an obligation of child or spousal support is owed by an obligor.
- (10) “Obligor” means the person who owes a duty of support to a child or the child’s parent or caretaker.
- (11) “Order/Notice to Withhold Income for Child Support” means the form promulgated by the United States Department of Health and Human Services (HHS) which is the basic form required by HHS to be utilized for orders for withholding of the income of an employee or other recipient of income both within Tennessee and for issuance to employers or other payers of income to obligors in other states. It is also known as, and may be referred to in these rules as an “Order for Income Assignment” or “Income Assignment”, “Income Assignment Order” or “Assignment”, and shall have the same meaning unless otherwise clearly required by the context.

(Rule 1240-2-2-.02, continued)

- (12) “Spousal support” means a legally enforceable obligation assessed against an individual for the support of a spouse or former spouse who is living with a child or children for whom the individual also owes support. Income assignments pursuant to this chapter shall apply to obligations for support of spouses as defined in this Paragraph and in Paragraph (3).
- (13) “TCSES” means the Tennessee Child Support Enforcement System operated by the Department of Human Services containing data and functions for the recording of child or spousal support data and for collection, distribution, and disbursement of child and spousal support payments.

Authority: T.C.A. §§4-5-202, 36-5-501, 71-1-132(c), 42 United States Code §§651 et seq., 42 USC §§652(a)(11), 654(9)(E), 654a(g)(1)(A)(ii) and 666(a)(8) and (b), 45 C.F.R. §§303.6(c)(1), 303.7, and 303.100.

Administrative History: Original rule filed December 17, 1985; effective January 14, 1986. Amendment filed October 17, 1986; effective January 27, 1987. Amendment filed August 25, 1989; effective October 13, 1989. Repeal and new rule filed December 7, 1994; effective February 20, 1995. Repeal and new rule filed October 14, 1999; effective December 28, 1999.

1240-2-2-.03 ISSUANCE OF ORDERS/NOTICES TO WITHHOLD INCOME FOR CHILD SUPPORT (ORDERS FOR INCOME ASSIGNMENT)

- (1) Criteria for Issuance.
 - (a) Orders/Notices to Withhold Income for Child Support (Orders for Income Assignment) shall be ordered by the court for any order of child support issued, modified, or enforced on or after July 1, 1994 unless the provisions of T.C.A. §36-5-501(a)(2) apply.
 - (b) The Order for Income Assignment shall be issued by the Clerk of the Court, or by the Department or its contractors in Title IV-D cases, regardless of whether support payments are in arrears on the date of the order and shall include an amount sufficient to satisfy an accumulated arrearage, if any, within a reasonable time.
 - (c) When any Orders/Notices to Withhold Income for Child Support (Orders for Income Assignment) are issued, for purposes of calculating any arrears, it shall be rebuttably presumed that one-half of the amount payable for current support shall be a reasonable amount which should be ordered for making a reduction of an arrearage.
 - (d) The Order for Income Assignment may include an amount to pay medical expenses which the obligor is obligated or ordered to pay.
 - (e) The amount withheld shall not exceed fifty percent (50%) of the obligor’s income after FICA, withholding taxes, and a health insurance premium which covers the child are deducted.
 - (f) The order shall include an amount necessary to cover the fee due the clerk or the Department, as appropriate. Clerks or the Department may issue an Order for Income Assignment to recover court costs or fees which the obligor fails to pay.
- (2) In all cases in which the court has ordered immediate income assignment, the Clerk of the court, or the Department of Human Services or its contractor in Title IV-D support cases, shall within two (2) business days issue an Order for Income Assignment as described in 1240-2-2-.04 to an employer once the employer of a support obligor is identified.

(Rule 1240-2-2-.03, continued)

- (3) No order of the court shall be necessary to issue an Order for Income Assignment in circumstances where no previous Order for Income Assignment has issued or in circumstances in which the obligor of child support was not subject to an income assignment pursuant to the provisions of T.C.A. §36-5-501(a)(2), and the records of the court or the Department show the obligor to be in arrears as defined in T.C.A. §36-5-101(a)(5) and T.C.A. §36-5-501(b)(1)(G).
- (4) If the support payments were previously ordered paid directly to the custodial parent, guardian or other caretaker of the child, and the obligor is in arrears as defined in T.C.A. §36-5-101(a)(5) and T.C.A. § 36-5-501(b)(1)(G), the custodial parent, guardian or custodian may complete an Affidavit of Arrearage pursuant to 1240-2-2-.11 to request the issuance of an Order for Income Assignment by, respectively, the Clerk or the Department of Human Services. No order of the court shall be necessary for the issuance of an Order/Notice to Withhold Income for Child Support (Order for Income Assignment) pursuant to this paragraph.
- (5) Income Assignment Orders Issued by the Clerk in Non-Title IV-D Cases.
 - (a) When an order of income assignment is issued by the clerk of the court in non-Title IV-D cases, and if the obligor requests a hearing pursuant to T.C.A. §36-5-501(c)(1) regarding the withholding within fifteen (15) days of the date of the notice, or the date of personal service, if used, the clerk shall promptly docket the case with the referee or court as provided by Tennessee Code Annotated, Title 36, Chapter 5, Part 4 and shall give notice to all parties, and shall take any other action as is necessary to ensure that the court meets the time frame in subparagraph (b).
 - (b) In all cases in which the obligor requests a hearing, the referee or court shall conduct a hearing and make a determination, and the clerk shall notify the obligor and the employer of the decision of the court or referee within forty-five (45) days of the date of the issuance of the income assignment order.
- (6) Transmission of Orders and Notices.
 - (a) The notices and orders required to be issued pursuant to this Chapter shall be transmitted to any employer of an obligor and to obligors by any method chosen by the Court or the Department, including but not limited to: certified mail, return receipt requested; regular mail; electronic mail; facsimile transmission; or by personal service, and may be generated by computer or on paper. If a notice or order is returned or otherwise not deliverable, then service shall be had by any alternative method chosen by the Court or the Department, as described in the preceding sentence.
 - (b) In all cases in which an immediate assignment of income has not been previously ordered, or in which an obligor who is ordered to pay child support in which either an immediate income assignment was not required by the Court due to good cause provisions as found by the court, or in which there is a written agreement by the parties for alternative payment arrangements, the Notice of Income Assignment required by this Chapter to be sent to an obligor shall be issued within two (2) business days of the date the Order of Income Assignment is sent to the employer. The notice must be sent to the address of the obligor, if known, or to the obligor at the address of the employer of the obligor if the obligor's employer's address is unknown.
 - (c) The notices and orders required by this chapter need not be entered in the minutes of the court, but shall be in the records of the case in the Court when an income assignment is issued.
 - (d) Before taking action against an employer or other payer of income for failure to comply with this part, the Court or Department or its contractor shall ensure that service of the notice and order was made by certified mail, return receipt requested, or by personal service.

(Rule 1240-2-2-.03, continued)

- (e) Electronically reproduced signatures, if necessary, shall be effective to issue any orders or notices pursuant to this Chapter.
- (7) Proof of mailing the Orders for Income Assignment and notices sent by the Department or its contractors shall be evidenced by a screen print from the TCSES computer system showing the date of mailing which shall be prima facie evidence of the date of mailing.
- (8) The local Title IV-D child support office will be responsible for defending all administrative appeals of any such orders in Title IV-D support cases and appeals filed pursuant to T.C.A. §36-5-1003.

Authority: T.C.A. §§4-5-202, 36-5-501, 71-1-132(c), 42 United States Code §§651 et seq., 42 USC §§652(a)(11), 654(9)(E), 654a(g)(1)(A)(ii) and 666(a)(8) and (b), 45 C.F.R. §§303.6(c)(1), 303.7, and 303.100.

Administrative History: Original rule filed December 17, 1985; effective January 14, 1986. Amendment filed October 17, 1986; effective January 27, 1987. Amendment filed August 25, 1989; effective October 13, 1989. Repeal and new rule filed December 7, 1994; effective February 20, 1995. Repeal and new rule filed October 14, 1999; effective December 28, 1999.

1240-2-2-.04 ORDER/NOTICE TO WITHHOLD INCOME FOR CHILD SUPPORT (ORDER FOR INCOME ASSIGNMENT)

- (1) Required Uses.
 - (a) The form in Paragraph (7), the “Order/Notice to Withhold Income for Child Support” (Order for Income Assignment), is required by the United States Department of Health and Human Services (HHS) to be used for income withholding. It shall be used in intrastate and interstate cases.
 - (b) It shall be used by the Clerk of the Court and by the Department of Human Services or its contractor, for the purpose of directing an employer or other payer of income who or which has income payable to an obligor of support, to withhold income from that obligor to comply with an initial or modified order of the court or with an administrative order of the Department.
 - (c) As described in 1240-2-2-.05, Paragraph #10 of the form shall be used to provide for any additional necessary information to the employer/payer of income.
 - (d) If the employer/payer of income is within the State of Tennessee, the Clerk of the Court or the Department of Human Services or its contractor, as the case may be, shall attach in Paragraph #10 the state-specific information contained in 1240-2-2-.05 relative to information for Tennessee employers/payers of income. The information in Paragraph #10 shall either be incorporated within the form or referenced as an attachment to the form.
- (2) This form shall also be issued by the Clerk of the Court, or by the Department of Human Services or its contractor, in any cases where no income assignment had been previously ordered, but the Clerk’s records, or those of the Department of Human Services, show that the obligor is in arrears. No Affidavit of Arrearage pursuant to 1240-2-2-.11 is required in these circumstances. No order of the court expressly authorizing the issuance of such Order shall be required.
- (3) This form shall also be issued in circumstances when an income assignment had not previously been issued, payments had been made directly to the obligee, and an obligee completes an Affidavit of Arrears pursuant to 1240-2-2-.11 stating that the obligor is in arrears for support, or in circumstances where an Assignment had not issued due to the provisions of T.C.A. §36-5-501(a)(2), but the obligor is now in arrears. No order of the court expressly authorizing the issuance of such Order shall be required.

(Rule 1240-2-2-.04, continued)

- (4) This form may also be used by the Clerk or the Department to recover fees or costs.
- (5) Child Support Payment Locations.
 - (a) Prior to October 1, 1999, payments of child support withheld by the employer or other payer of income pursuant to the Order/Notice to Withhold Income for Child Support (Order for Income Assignment) shall be made to either the Clerk of the Court or to the Department under then existing law and procedures.
 - (b) Beginning October 1, 1999, in Title IV-D cases, all payments for child support, including those withheld by the employer or other payer of income pursuant to the Order/Notice to Withhold Income for Child Support (Order for Income Assignment), shall be made to the Department's centralized collection system for child support collections as required by T.C.A. §36-5-116 and 42 USC §654b(a).
 - (c) Beginning October 1, 1999, if the initial order requiring that child support be paid was issued in a non-Title IV-D case on or after January 1, 1994, the payments withheld by the employer or other payer of income pursuant to an Order/Notice to Withhold Income for Child Support (Order for Income Assignment) shall be made to the Department's centralized collection system for child support collections as required by T.C.A. §36-5-116 and 42 USC §654b(a).
 - (d) At anytime, if the initial order requiring that child support be paid was issued in a non-Title IV-D case prior to January 1, 1994, the payments withheld by the employer or other payer of income shall be made to the Court Clerk of the Court having jurisdiction of the case at the time of the issuance of the Order/Notice to Withhold Income for Child Support (Order for Income Assignment).
 - (6) The form in Paragraph (7), which has numbered spaces corresponding to the attached set of instructions for its use, has been issued by the Office of Child Support Enforcement (OCSE) of the United States Department of Health and Human Services. A blank form which is to be used as required in Paragraph (1) is included in Paragraph (8) for the user's convenience.
- (7) Form:

(Rule 1240-2-2-.04, continued)

OMB Control No: 0970-0154

Expiration date: 12-31-00

ORDER/NOTICE TO WITHHOLD INCOME FOR CHILD SUPPORT

State:	1a	4a	Original Order/Notice
Co./City/Dist. of:	1b	4b	Amended Order/Notice
Date of Order/Notice	2	4c	Terminate Order/Notice
Court/Case Number	3		

5)	RE:	7
Employer/Withholder's Federal EIN Number)		Employee/Obligor's Name (Last, First, MI)
6a)	*	8
Employer/Withholder's Name)		Employee/Obligor's Social Security Number
6b)	*	9
Employer/Withholder's Address)		Employee/Obligor's Case Identifier
6c)		10
6d)		Custodial Parent's Name (Last, First, MI)
6e)		

Child(ren)'s Name(s): DOB

Child(ren)'s Name(s): DOB

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ORDER INFORMATION: This is an Order/Notice to Withhold Income for Child Support based upon an order for support from _____12_____. By law, you are required to deduct these amounts from the above-named employee's/obligor's income until _____13_____, even if the Order/Notice is not issued by your State.

☐ If checked, you are required to enroll the child(ren) identified above in any health insurance coverage available through the employee's/ obligor's employment. _____14_____

\$	15a	per	15b	in current support	
\$	16a	per	16b	in past-due support	21 Arrears 12 weeks or greater? <input type="checkbox"/> yes <input type="checkbox"/> no
\$	17a	per	17b	in medical support	
\$	18a	per	18b	in other (specify)	18c
\$	19a	per	19b	in other (specify)	19c
for a total of	\$	20a	per	20b	to be forwarded to the payee below.

You do not have to vary your pay cycle to be in compliance with the support order. If your pay cycle does not match the ordered support payment cycle, use the following to determine how much to withhold:

\$	22a	per weekly pay period.	\$	22c	per semimonthly pay period (twice a month).
\$	22b	per biweekly pay period (every two weeks).	\$	22d	per monthly pay period.

REMITTANCE INFORMATION:

You must begin withholding no later than the first pay period occurring _____23_____ working days after the date of this Order/Notice. Send payment within _____24_____ working days of the paydate/date of withholding. You are entitled to deduct a fee to defray the cost of withholding. Refer to the laws governing the work state of the employee for the allowable amount. The total withheld amount, including your fee, cannot exceed _____25_____ % of the employee's/obligor's aggregate disposable weekly earnings. For the purpose of the limitation on withholding, the following information is needed (see #9 on back).

When remitting payment provide the paydate/date of withholding and the case identifier _____26a_____

If remitting by EFT/EDI, use this FIPS code: *

Bank account number: * _____26d_____.

Make it payable to: _____27a_____ Payee and case identifier

Send check to: _____27b_____ Payee's address

(Rule 1240-2-2-.04, continued)

27c27dAuthorized by 28aPrint Name _____ 28b

ADDITIONAL INFORMATION TO EMPLOYERS AND OTHER WITHHOLDERS

- 29 ☐ If checked you are required to provide a copy of this form to your employee.
1. Priority: Withholding under this Order/Notice has priority over any other legal process under State law against the same income. Federal tax levies in effect before receipt of this order have priority. If there are Federal tax levies in effect please contact the requesting agency listed below.
 2. Combining Payments: You can combine withheld amounts from more than one employee/obligor's income in a single payment to each agency requesting withholding. You must, however, separately identify the portion of the single payment that is attributable to each employee/obligor.
 - 3.* Reporting the Paydate/Date of Withholding: You must report the paydate/date of withholding when sending the payment. The paydate/date of withholding is the date on which the amount was withheld from the employee's wages. You must comply with the law of the state of employee's/obligor's principal place of employment with respect to the time periods within which you must implement the withholding order and forward the child support payments.
 - 4.* Employee/Obligor with Multiple Support Withholdings: If there is more than one Order/Notice to Withhold Income for Child Support against this employee/obligor and you are unable to honor all support Order/Notices due to Federal or State withholding limits, you must follow the law of the state of the employee's obligor's principal place of employment. You must honor all Order/Notices to the greatest extent possible. (see #9 below)
 5. Termination Notification: You must promptly notify the payee when the employee/obligor is no longer working for you. Please provide the information requested and return a copy of this order/notice to the agency identified below.
 EMPLOYEE'S OBLIGOR'S NAME: _____
 EMPLOYEE'S CASE IDENTIFIER: _____ DATE OF SEPARATION: _____
 LAST KNOWN HOME ADDRESS: _____
 NEW EMPLOYER'S ADDRESS: _____
 6. Lump Sum Payments: You may be required to report and withhold from lump sum payments such as bonuses, commissions, or severance pay. If you have any questions about lump sum payments, contact the person or authority below.
 7. Liability: If you fail to withhold income as the Order/Notice directs, you are liable for both the accumulated amount you should have withheld from the employee/obligor's income and any other penalties set by State Law.
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 8. Anti-discrimination: You are subject to a fine determined under State law for discharging an employee/obligor from employment, refusing to employ, or taking disciplinary action against any employee/obligor because of a child support withholding.
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 - 9.* Withholding Limits: You may not withhold more than the lesser of: 1) the amounts allowed by the Federal Consumer Credit Protection Act (15 USC §1673(b)); or 2) the amounts allowed by the State of the employee's/obligor's principal place of employment. The Federal limit applies to the aggregate disposable weekly earnings (ADWE). ADWE is the net income left after making mandatory deductions such as: State, Federal, local taxes; Social Security taxes; and Medicare taxes.
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(Rule 1240-2-2-.04, continued)

*NOTE: If you or your agent are served with a copy of this order in the state that issued the order, you are to follow the law of the state that issued this order with respect to these items.

Requesting Agency: _____ 33a _____
_____ 33b _____
_____ 33c _____
_____ 33d _____

If you or your employee/obligor have any questions, contact: _____ 34a _____ by telephone at _____ 34b _____ or
by FAX at _____ 34c _____ or by Internet at: _____ 34d _____.

(Rule 1240-2-2-.04, continued)

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Expiration date: 12-31-00

The Order/Notice to Withhold Income for Child Support is a standardized form used for income withholding in intrastate and interstate cases. Submit the Order/Notice to employers in States that have adopted the Uniform Interstate Family Support Act (UIFSA) or have similar State Laws.

The following are instructions to complete the Order/Notice to Withhold Income for Child Support. When completing the form, please include the following information.

- 1a. Name of your State or territory.
- 1b. Name of your jurisdiction.
2. Date the Order/Notice to Withhold is to be mailed.
3. Identifying number used by the court/agency issuing this Order/Notice, if appropriate.
- 4 a-c. Check the appropriate case status of the Order/Notice to Withhold.
5. Employer/Withholder's nine digit Federal employer identification number (if available). Include three digit location code (if known).
- 6a. Employer/Withholder's name.
- 6 b-e. Employer/Withholder's mailing address. (This may differ from the Employee/Obligor work site.)
7. Employee/Obligor's last name, first name, and middle initial (if known).
8. Employee/Obligor's Social Security Number.
9. Case identifier (or other identifier) used for recording the payment. (May be the same as #3.)
10. Custodial Parent's last name, first name, and middle initial (if known).
11. Child(ren)'s name(s) and date(s) of birth listed in the support order.

ORDER INFORMATION:

12. Name of State that issued the underlying child support order.
13. Termination date of the support order.
14. Check if the child support order requires enrollment of the child(ren) in any health insurance coverage available to the employee's/obligor's employment. The space on the form is provided for your instructions to the employer, i.e. "see attached medical support form."
- 15a. Dollar amount to be withheld for payment of current child support.
- 15b. Time period that corresponds to the amount in #15a (e.g., month).
- 16a. Dollar amount to be withheld for payment of past-due child support under your State law.
- 16b. Time period that corresponds to the amount in #16a (e.g., month).
- 17a. Dollar amount to be withheld for payment of medical support, as appropriate, based on the underlying order.
- 17b. Time period that corresponds to the amount in #17a (e.g., month).

(Rule 1240-2-2-.04, continued)

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Expiration date: 12-31-00

Instructions to complete the Order/Notice - continued

- 18a. Dollar amount to be withheld for payment of miscellaneous obligations, if appropriate, based on the underlying order.
- 18b. Time period that corresponds to the amount in #18a (e.g., month).
- 18c. Describe the amount(s) represented in #18a separately by fee type (e.g., court fees).
- 19a. Dollar amount to be withheld for payment of miscellaneous obligations, if appropriate, based on the underlying order and time period that corresponds to the amount in #19a (e.g., month).
- 19b. Time period that corresponds to the amount in #19a (e.g., month).
- 19c. Describe the amount(s) represented in #19a separately by fee type (e.g., court fees).
- 20a. Total of #15a, #16a, #17a, #18a, and #19a.
- 20b. Time period that corresponds to the amount in #15b (e.g., month).
- 21. Check this box if arrears are 12 weeks or greater.
- 22a. Amount an employer withholds if the employee is paid weekly.
- 22b. Amount an employer withholds if the employee is paid every two weeks.
- 22c. Amount an employer withholds if the employee is paid twice a month.
- 22d. Amount an employer withholds if the employee is paid once a month.

REMITTANCE INFORMATION:

When completing numbers 23 through 25, please note the following:

If the Order/Notice is completed for an interstate withholding, apply the law of the state of the obligor's principal place of employment.

If the Order/Notice is completed for an intrastate withholding or the employer's agent is served with a copy in the state that issued the order, you are to follow the law of the state that issued this order.

- 23. Number of days in which the withholding must begin pursuant to the issuing State's law.
- 24. Number of working days an employer or other payer of income must remit amounts withheld pursuant to the issuing State's law.
- 25. Maximum percentage that can be withheld based on the applicable withholding limit of the issuing State. If the employer is a Federal agency and you add the additional 5 percentage points allowed under the Federal Consumer Credit Protection Act to the percentage entered for #22 (i.e., 65%; or 55% instead of 50% if the obligor supports a second family), check #21 on the Order/Notice to indicate the support is 12 weeks or more in arrears.
- 26a. Case identifier or other identifier. (May be the same as #3 and/or #9.)
- 26b. Federal Information Process Standard (FIPS) code for transmitting payments through EFT/EDI. The FIPS code is five characters that identify the State and county. It is seven characters when it identifies the State, county, and a location within the county. It is necessary for centralized collections. Complete only for EFT/EDI transmission.
- 26c. Receiving agency's bank routing number. Complete only for EFT/EDI transmission.
- 26d. Receiving agency's bank account number. Complete only for EFT/EDI transmission.

OMB Control No: 0970-0154

(Rule 1240-2-2-.04, continued)

Expiration date: 12-31-00

Instructions to complete the Order/Notice - continued

- 27a. Name of the collection unit specified by the tribunal that issued the controlling order to which payments are made and the case identifier.
- 27 b-d. Street address, City, and State of the collection unit identified in #27a.
- 28a. Signature of official(s) authorized to send the Order/Notice. This line is optional if a signature is not required by State statute.
- 28b. Print name of the official(s) authorized to send the Order/Notice.
29. Check the box if the employer is to provide a copy of the Order/Notice to the employee.
30. Penalty and/or citation for an employer who fails to comply with the Order/Notice. Your State law governs unless the obligor is employed in another State, in which case the law of the State in which he or she is employed governs.
31. Penalty and/or citation for an employer who discharges, refuses to employ, or disciplines an employee/obligor as a result of the Order/Notice. Your State law governs unless the obligor is employed in another State, in which case the law of the State in which he or she is employed governs.
32. Use this space to provide the employer with additional information.
- 33a. Name of the agency or court requesting the income withholding.
- 33 b-d. Address of the agency or court requesting the income withholding.
- 34a. Name of the child support enforcement agency's contact person who an employer and/or employee/obligor may call for information regarding the Order/Notice.
- 34b. Telephone number of the contact person who an employer may call for information regarding the Order/Notice.
- 34c. Facsimile number for the person whose name appears in #34a.
- 34d. Internet address for the person whose name appears in #34a.

If the employer is a Federal Government agency the following instructions apply.

- ◆ Serve the Order/Notice upon the governmental agent listed in 5 C.F.R. part 581, appendix A.
- ◆ Sufficient identifying information must be provided in order for the obligor to be identified. It is, therefore, recommended that the following information, if known and if applicable, be provided: (1) full name of the obligor; (2) date of birth; (3) employment number, Department of Veterans Affairs claim number, or civil service retirement claim number; (4) component of the government entity for which the obligor works, and the official duty station or worksite; and (5) status of the obligor, e.g., employee, former employee, or annuitant.
- ◆ You may withhold from a variety of income and forms of payment, including voluntary separation incentive payments (buy-out payments), incentive pay, and cash awards. For a more complete list see 5 C.F.R. 581.103.

OMB Control No: 0970-0154

Expiration date: 12-31-00

(Rule 1240-2-2-.04, continued)

Instructions to complete the Order/Notice - continued

The Paperwork Reduction Act of 1995

This information collection is conducted in accordance with 45 C.F.R. 303.7 of the child support enforcement program. Standard forms are designed to provide uniformity and standardization for interstate case processing.

Public reporting burden for this collection of information is estimated to average one hour per response. The responses to this collection of information are mandatory in accordance with 45 C.F.R. 303.7. This information is subject to State and Federal confidentiality requirements; however, the information will be filed with the tribunal and/or agency in the responding State and may, depending on State law, be disclosed to other parties. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

- (8) The following blank form is for the user's convenience:

(Rule 1240-2-2-.04, continued)

OMB control No: 0970-0154

Expiration date: 12-31-00

ORDER/NOTICE TO WITHHOLD INCOME FOR CHILD SUPPORT

State: _____ Original Order/Notice
 Co./City/Dist. Of: _____ Amended Order/Notice
 Date of Order/Notice _____ Terminate Order/Notice
 Court/Case Number _____

_____)	RE: _____
Employer/Withholder's Federal EIN Number)	Employee/Obligor's Name (Last, First, MI)
_____)	*
Employer/Withholder's Name)	Employee/Obligor's Social Security Number
_____)	*
Employer/Withholder's Address)	Employee/Obligor's Case Identifier
_____)	
_____)	Custodial Parent's Name (Last, First, MI)
_____)	

Child(ren)'s Name(s): _____ DOB _____

Child(ren)'s Name(s): _____ DOB _____

ORDER INFORMATION: This is an Order/Notice to Withhold Income for Child Support based upon an order for support from _____. By law, you are required to deduct these amounts from the above-named employee's/obligor's income until _____, even if the Order/notice is not issued by your State.

☐ If checked, you are required to enroll the child(ren) identified above in any health insurance coverage available through the employee's/obligor's employment. _____

\$ _____	per _____	in current support	
\$ _____	per _____	in past-due support	Arrears 12 weeks or greater?
\$ _____	per _____	in medical support	<input type="checkbox"/> yes <input type="checkbox"/> no
\$ _____	per _____	in other (specify) _____	
\$ _____	per _____	in other (specify) _____	
for a total \$ _____	per _____	to be forwarded to the payee below.	
of _____	_____		

You do not have to vary your pay cycle to be in compliance with the support order. If your pay cycle does not match the ordered support payment cycle, use the following to determine how much to withhold:

\$ _____ per weekly pay period.	\$ _____ per semimonthly pay period (twice a month).
\$ _____ per biweekly pay period (every two _____ weeks).	\$ _____ per monthly pay period.

REMITTANCE INFORMATION:

You must begin withholding no later than the first pay period occurring _____ working days after the date of this Order/Notice. Send payment within _____ working days of the paydate/date of withholding. You are entitled to deduct a fee to defray the cost of withholding. Refer to the laws governing the work state of the employee for the allowable amount. The total withheld amount, including your fee, cannot exceed _____% of the employee's/obligor's aggregate disposable weekly earnings. For the purpose of the limitation on withholding, the following information is needed (see #9 on back).

When remitting payment provide the paydate/date of withholding and the case identifier _____;
 If remitting by EFT/EDI, use this FIPS code: * _____; Bank routing code: * _____;
 Bank account number: * _____.

Make it payable to: _____ Payee and case identifier _____

(Rule 1240-2-2-.04, continued)

Send check to: Payee's address

Authorized
 by

Print
 Name

OMB Control No: 0970-0154
 Expiration date: 12-31-00

ADDITIONAL INFORMATION TO EMPLOYERS AND OTHER WITHHOLDERS

☐ If checked you are required to provide a copy of this form to your employee.

1. **Priority:** Withholding under this Order/Notice has priority over any other legal process under State law against the same income. Federal tax levies in effect before receipt of this order have priority. If there are Federal tax levies in effect please contact the requesting agency listed below.
2. **Combining Payments:** You can combine withheld amounts from more than one employee/obligor's income in a single payment to each agency requesting withholding. You must, however, separately identify the portion of the single payment that is attributable to each employee/obligor.
- 3.* **Reporting the Paydate/Date of Withholding:** You must report the paydate/date of withholding when sending the payment. The paydate/date of withholding is the date on which the amount was withheld from the employee's wages. You must comply with the law of the state of employee's/obligor's principal place of employment with respect to the time periods within which you must implement the withholding order and forward the child support payments.
- 4.* **Employee/Obligor with Multiple Support Withholdings:** If there is more than one Order/Notice to Withhold Income for Child Support against this employee/obligor and you are unable to honor all support Order/Notices due to Federal or State withholding limits, you must follow the law of the state of the employee's/obligor's principal place of employment. You must honor all Order/Notices to the greatest extent possible. (see #9 below)
5. **Termination Notification:** You must promptly notify the payee when the employee/obligor is no longer working for you. Please provide the information requested and return a copy of this order/notice to the agency identified below.
 EMPLOYEE'S OBLIGOR'S NAME:
 EMPLOYEE'S CASE IDENTIFIER: **DATE OF SEPARATION:**
 LAST KNOWN HOME ADDRESS:
 NEW EMPLOYER'S ADDRESS:
6. **Lump Sum Payments:** You may be required to report and withhold from lump sum payments such as bonuses, commissions, or severance pay. If you have any questions about lump sum payments, contact the person or authority below.
7. **Liability:** If you fail to withhold income as the Order/Notice directs, you are liable for both the accumulated amount you should have withheld from the employee/obligor's income and any other penalties set by State Law.
8. **Anti-discrimination:** You are subject to a fine determined under State law for discharging an employee/obligor from employment, refusing to employ, or taking disciplinary action against any employee/obligor because of a child support withholding.
- 9.* **Withholding Limits:** You may not withhold more than the lesser of: 1) the amounts allowed by the Federal Consumer Credit Protection Act (15 USC § 1673(b)); or 2) the amounts allowed by the State of the employee's/obligor's principal place of employment. The Federal limit applies to the aggregate disposable weekly earnings (ADWE). ADWE is the net income left after making mandatory deductions such as: State, Federal, local taxes; Social Security taxes; and Medicare taxes.

(Rule 1240-2-2-.04, continued)

10. _____

*NOTE: If you or your agent are served with a copy of this order in the state that issued the order, you are to follow the law of the state that issued this order with respect to these items.

Requesting Agency: _____

If you or your employee/obligor have any questions, contact: _____ by telephone at _____ or by FAX at _____ or by Internet at: _____.

(Rule 1240-2-2-.04, continued)

Authority: T.C.A. §§4-5-202, 8-21-403, 36-5-116, 36-5-501, 71-1-132(c), 42 United States Code §§651 et seq., 42 USC §§652(a)(11), 654(9)(E), 654a(g)(1)(A)(ii) 654b(a) and 666(a)(8) and (b), 45 C.F.R. §§303.6(c)(1), 303.7, and 303.100. **Administrative History:** Original rule filed December 17, 1985; effective January 14, 1986. Amendment filed October 17, 1986; effective January 27, 1987. Amendment filed August 25, 1989; effective October 13, 1989. Repeal and new rule filed December 7, 1994; effective February 20, 1995. Repeal and new rule filed October 14, 1999; effective December 28, 1999.

1240-2-2-.05 ATTACHMENT TO ORDER TO WITHHOLD FOR TENNESSEE EMPLOYERS/PAYERS OF INCOME

- (1) The Attachment in Paragraph (3), the "Attachment/Information For Paragraph #10 of the Order/Notice To Withhold Income for Child Support for Income Assignment Issued to Tennessee Employers/Payers of Income" shall only be used for providing additional state-specific information to Tennessee employers/payers of income on the basic Federal Order/Notice to Withhold Income for Child Support form in accordance with the instructions for Paragraph #10 of the form as set forth in 1240-2-2-.04.
- (2) The information contained in the Attachment shall be contained in Paragraph #10 if incorporated by word processing or computer generated means or it shall be referenced as an attachment to the Order/Notice to Withhold Income for Child Support contained in 1240-2-2-.04.
- (3) Form:

STATE OF TENNESSEE

ATTACHMENT/INFORMATION FOR PARAGRAPH #10 OF ORDER/NOTICE TO WITHHOLD INCOME FOR CHILD SUPPORT FOR INCOME ASSIGNMENT ISSUED TO TENNESSEE EMPLOYERS/PAYERS OF INCOME

The attached Order/Notice to Withhold Income for Child Support, also referred to as an Order for Income Assignment, Income Assignment, Income Assignment Order, or Assignment, must be implemented no later than fourteen (14) calendar days after the date noted at the top-left portion of that form, the date of personal service, or the other date of any other form of transmission of this notice.

The payments may be deducted from the employee's or income recipient's wages, or other income, either weekly, biweekly, or monthly to coincide with his/her pay periods or other periods for payment of income, but must be sent to the address shown on page 1 of that Order within seven (7) days of the date the employee or income recipient is paid along with the date the deduction was made.

"Employer, person, corporation or institution," who or which may be required to withhold income, includes the federal government, the State and any political subdivision thereof and any other business entity which has in its control funds due to be paid to a person who is obligated to pay child support.

The amount withheld for support may not be in excess of fifty percent (50%) of the net wages of an employee or other income due an income recipient after the deduction of FICA, withholding taxes, and health insurance premiums which cover the child(ren).

This Order for Income Assignment is binding upon you until further notice by this office. If you fail to withhold income in accordance with the provisions of this Order, you are liable for any amount up to the accumulated amount which should have been withheld from the income of the employee or income recipient. Your compliance with this Order shall operate as a discharge of your liability to the affected employee or other recipient of income as to that portion of the employee's or recipient's income affected by the Order.

(Rule 1240-2-2-.05, continued)

Tennessee Code Annotated, §36-5-501(h) provides that the employer, person, corporation, or institution that is ordered to comply with this order shall be subject to a fine for a Class C misdemeanor if the income assignment is used as a basis to refuse to employ a person or to discharge the employee or for any disciplinary action against the employee, or if the employer fails to withhold the amounts from the employee or fails to pay such amount to the Clerk of the Court or the Department of Human Services as may be directed by the Order.

Withholding of support in accordance with this notice shall have priority over any other legal process under state law against the same wages or other income for debts other than child support.

If you are unable to deduct the full amount specified in this order due to the fifty percent (50%) limitation, the payment should also specify, for each obligor, the individual's income after taxes, FICA, health insurance premiums deducted to cover the child(ren), and whether you have received prior Orders for Income Assignment which prevent you from fully complying with this order.

You may, at your discretion, charge the employee or other recipient of income an amount of up to five percent (5%), not to exceed five dollars (\$5) per month, for your costs in complying with this order. This amount could vary upward depending on changes in the law at T.C.A. §36-5-501.

If you are required to withhold support from more than one person, it is allowable to combine withheld amounts in a single payment to each appropriate court or other entity ordering the assignments; however, you must provide a listing indicating which portion of the single payment is attributable to each individual.

THE DATE THE SUPPORT WAS DEDUCTED FROM THE OBLIGOR'S PAYCHECK MUST BE PROVIDED WITH EACH PAYMENT TRANSMITTED TO <DHS> <COURT CLERK> :

IMPORTANT NOTICE: Pursuant to T.C.A. §36-5-501(g) you are required to notify <DHS> <COURT CLERK> _____ when the employee terminates employment or if income payments are terminated and provide this office the last known address of the employee/recipient of income and the name and address of his/her new employer, or new source of income, if known. This Order for Income Assignment is binding upon successive employers fourteen (14) days after it is transmitted to them.

PRIORITIES FOR PAYMENTS IF MORE THAN ONE ORDER FOR INCOME ASSIGNMENT IS RECEIVED:

If the employer, person, corporation or institution or other payer of income receives more than one (1) Order for Income Assignment against the employee/obligor, priority in deducting income shall be as follows:

First priority: To all orders for amounts due for current support due a child;

Second priority: To all orders for amounts due for arrearages due a child;

Third priority: To all orders for amounts due for current support due a spouse;

Fourth priority: To all orders for amounts due for arrearages due a spouse; and,

Fifth priority: To all statutory fees and court costs.

You must honor all withholdings to the extent the total amount withheld from wages does not exceed fifty percent (50%) of the employee's wages or a recipient's income after FICA, withholding taxes, and a health insurance premium which covers the child(ren) are deducted.

(Rule 1240-2-2-.05, continued)

MULTIPLE INCOME ASSIGNMENTS FOR ONE EMPLOYEE OR RECIPIENT OF INCOME:

If you receive any Order for Income Assignment for current child support against the employee's income which would cause the deductions from any two (2) or more assignments for current child support to exceed fifty percent (50%) of the employee's income after FICA, withholding taxes, and a health insurance premium which covers the child(ren) are deducted, the following process shall be utilized:

1. Determine the total of all current child support ordered withheld by all Orders for Income Assignment you receive for the employee or recipient of income.
2. Then calculate the percentage that each current child support order represents of the total.
3. The available income will be allocated by you according to the percentage which each Order for Income Assignment for current child support bears to the total of all Orders for Income Assignment involving this employee or recipient of income for current child support.
4. In the event all current child support obligations are met from the assignments and child support arrearages exist in more than one case and there is not sufficient income to pay all ordered child support arrearages, then the child support arrearages will be allocated by you on the same basis as in steps 1- 3.

You must provide for each case the following information: docket number, county, state, full ordered amount, the percentage that each current support order represents of the total ordered amounts from all income assignments ordered for this employee or recipient of income, and the date the amount is deducted from the employee's or recipient's income.

EXAMPLE OF A PRORATION FOR MULTIPLE INCOME ASSIGNMENTS:

Assume an employee's net income after taxes, FICA, and a health insurance premium to cover the child(ren) is deducted is \$900. Therefore, the available income for use in the income assignment is only \$450 (50% maximum of the employee's net income).

If the employee is ordered to pay \$250.00 per month under support order A; \$200.00 per month for support order B; and \$150.00 per month for support order C; then the total of all income assignments is \$600.00. This total exceeds income available for income assignment [after deduction for taxes, FICA, and health insurance premiums which cover the child(ren)]. You will then pay the amount of the available income that each Order for Income Assignment represents as a percentage of the total of all Orders for Income Assignment as follows:

Order A = \$250/\$600, or 42%, x \$450 =	\$189.00
Order B = \$200/\$600, or 33%, x \$450 =	\$148.50
Order C = \$150/\$600, or 25%, x \$450 =	\$112.50
Total Available Income	\$450.00

If the employee has sufficient available income to satisfy all current child support orders, but not all ordered child support arrearages, you would apply the same proration procedure to the child support arrearage payment as shown above.

Authority: T.C.A. §§4-5-202, 36-5-501, 71-1-132(c), 42 United States Code §§651 et seq., 42 USC §§652(a)(11), 654(9)(E), 654a(g)(1)(A)(ii) and 666(a)(8) and (b), 45 C.F.R. §§303.6(c)(1), 303.7, and 303.100.
Administrative History: Original rule filed December 17, 1985; effective January 14, 1986. Amendment filed October 17, 1986; effective January 27, 1987. Amendment filed August 25, 1989; effective October 13, 1989. Repeal and new rule filed December 7, 1994; effective February 20, 1995. Repeal and new rule filed October 14, 1999; effective December 28, 1999.

1240-2-2-.06 COURT CLERK'S NOTICE TO OBLIGOR OF ISSUANCE OF INCOME ASSIGNMENT DUE TO DELINQUENCY

- (1) The Notice form in Paragraph (5) shall be used by the Clerk of Court for the purpose of providing notice to an obligor of support in Tennessee that an Order/Notice to Withhold Income for Child Support (Order for Income Assignment) has been issued which will direct the obligor's employer or payer of income to withhold income from an obligor of support to meet the child or spousal support obligation.
- (2) This Notice is used:
 - (a) When, pursuant to T.C.A. §36-5-501(b)(1)(B) no Order for Income Assignment had been previously issued for any reason, and where the records of the Clerk or the Department of Human Services show the obligor is currently delinquent;
 - (b) When, pursuant to T.C.A. §36-5-501(b)(1)(D) an Affidavit of Arrearage pursuant to 1240-2-2-.11 to support the issuance of an Order for Income Assignment is filed by the custodial parent, a guardian, or other caretaker to whom child support was previously directed alleging the obligor is now in arrears as defined by T.C.A. §36-5-101(a)(5) and T.C.A. §36-5-501(b)(1)(G); or
- (3) For an Order for Income Assignment, the Federal Order/Notice to Withhold Income for Child Support (Order for Income Assignment) form set forth in 1240-2-2-.04, and for Tennessee employers or payers of income, the "Attachment/Information" form in 1240-2-2-.05, will be attached to the notice to the obligor in Paragraph (5).
- (4) Appeals.
 - (a) The obligor may contest this Notice of Income Assignment by filing a written request for a hearing with the Clerk's office shown on the Notice within fifteen (15) days of the mailing of the Notice. The grounds for contesting the Notice are that the income withholding is improper due to a mistake of fact, or the amount withheld is improper due to a mistake of fact.
 - (b) If the obligor contests the Notice of Income Assignment within the above time limit, a hearing will be promptly set. The employer will continue to withhold income unless a decision favorable to the obligor is rendered. The obligor and the employer will be notified of the decision within forty-five (45) days of the date the Order/Notice to Withhold Income for Child Support (also called an Order for Income Assignment or Income Assignment) was issued.
- (5) Form:

STATE OF TENNESSEE
NOTICE OF ISSUANCE OF INCOME ASSIGNMENT DUE TO DELINQUENCY

You are hereby notified pursuant to T.C.A. §36-5-501(b)(2) that due to a delinquency in your child support payments in the amount of \$_____ as of the _____ day of _____, _____, your employer, or other person, corporation, or institution which is a payer of income has been directed, pursuant to Tennessee Code Annotated, §36-5-501, to withhold income payable to you to satisfy your support obligation in the amounts and for the purposes shown in the attached Order/Notice to Withhold Income for Child Support (Order for Income Assignment).

Your total arrearage as of the _____ day of _____, _____, is \$ _____ plus twelve (12%) per annum simple interest.

You may contest this Notice of Income Assignment by filing a written request for a hearing with _____<Court Clerk's Office> at the address above within fifteen (15) days of

(Rule 1240-2-2-.06, continued)

the mailing of this notice as noted above. The grounds for contesting the Notice are that the income withholding is improper due to a mistake of fact, or the amount withheld is improper due to a mistake of fact.

If you contest this Notice of Income Assignment within the above time limit, a hearing will be promptly set. Your employer will continue to withhold income unless a decision favorable to you is rendered. You and your employer will be notified of the decision within forty-five (45) days of the date the Order/Notice to Withhold Income for Child Support (also called an Order for Income Assignment or Income Assignment) was issued.

It is your responsibility to keep the Court Clerk/and the Local Child Support Office informed of the name and address of your current employer, whether you have access to health insurance coverage, and if so, the health insurance policy information. You must also immediately notify the Court Clerk/and the Local Child Support Office of any changes in, or any additional employment, including the name and address of the new employer. Your new employer will be notified of the Order for Income Assignment.

An Order for Income Assignment shall be mandatory as long as current support or arrearages are still owed.

Clerks of court are authorized to issue an Order for Income Assignment to the employer or payer of income of the obligor and to institute the process to assign income when the obligor fails to pay court costs, but shall not have priority over the Order for Income Assignment for child or spousal support.

CERTIFICATE OF SERVICE

I hereby certify that a copy of this NOTICE OF ISSUANCE OF INCOME ASSIGNMENT DUE TO DELINQUENCY was served on the Respondent by delivering to him/her by <certified mail, return receipt requested; registered mail; electronic mail; facsimile; personal service> on this the _____ day of _____, _____.

<Court Clerk>

Authority: T.C.A. §§4-5-202, 36-5-501, 71-1-132(c), 42 United States Code §§651 et seq., 42 USC §§652(a)(11), 654(9)(E), 654a(g)(1)(A)(ii) and 666(a)(8) and (b), 45 C.F.R. §§303.6(c)(1), 303.7, and 303.100.
Administrative History: Original rule filed October 14, 1999; effective December 28, 1999.

1240-2-2-.07 DEPARTMENT NOTICE TO OBLIGOR OF ISSUANCE OF INCOME ASSIGNMENT

- (1) The Notice form in Paragraph (5) shall be used by the Department of Human Services or its contractors which establish or enforce support under Title IV-D of the Social Security Act for the purpose of providing notice to an obligor of support in Tennessee that an initial Order/Notice to Withhold Income for Child Support (Order for Income Assignment) has been issued which will direct the obligor's employer or payer of income to withhold income from an obligor of support to meet the child or spousal support obligation.
- (2) For an initial Order for Income Assignment, the Federal Order/Notice to Withhold Income or Child Support (Order for Income Assignment) form set forth in 1240-2-2-.04, and for Tennessee employers or payers of income, the "Attachment/Information" form in 1240-2-2-.05, will be attached to the Notice form in Paragraph (5).
- (3) The Department may combine the language in this form with language of the notices issued by the Department described in this Chapter to provide notice of various actions taken by the court or actions taken administratively by the Department, and the form may be modified and transmitted by the TCSES system to contain, as may be applicable, combinations of the language in any of those notices on one form.

(Rule 1240-2-2-.07, continued)

(4) Appeals.

- (a) The obligor may contest this Notice of Income Assignment by filing a written request for an administrative hearing with the local child support office shown on the Notice within fifteen (15) days of the mailing of the Notice. The grounds for contesting the Notice are that the income withholding is improper due to a mistake of fact, or the amount withheld is improper due to a mistake of fact.
- (b) If the obligor contests the Notice of Income Assignment within the above time limit, a hearing will be promptly set. The employer will continue to withhold income unless a decision favorable to the obligor is rendered. The obligor and the employer will be notified of the decision within forty-five (45) days of the date the Order/Notice to Withhold Income for Child Support (also called an Order for Income Assignment or Income Assignment) was issued. If an unfavorable decision is rendered, the obligor has a right to further appeal the decision as described in the Department's hearing order following the decision.

(5) Form:

STATE OF TENNESSEE
DEPARTMENT OF HUMAN SERVICES
NOTICE OF ISSUANCE OF INCOME ASSIGNMENT

TO: _____<OBLIGOR>
 _____<ADDRESS>

FROM: _____<LOCAL CHILD SUPPORT OFFICE >
 _____<ADDRESS>
 _____<TELEPHONE NUMBER>

MAILING DATE OF NOTICE: _____

Pursuant to a court order, statutory requirements directing payment by Order/Notice to Withhold Income for Child Support (Order for Income Assignment), or administrative actions by the Department of Human Services, you have been ordered to pay your child support obligation by means of an income assignment. This is to notify you that your employer, or other person, corporation, or institution which is a payer of income has been directed, pursuant to Tennessee Code Annotated, §36-5-501, to withhold income payable to you to satisfy your support obligation in the amounts and for the purposes shown in the attached Order/Notice to Withhold Income for Child Support (Order for Income Assignment).

You may contest this Notice of Income Assignment by filing a written request for an administrative hearing with the Local Child Support Office at the address above within fifteen (15) days of the mailing of this notice as noted above. The grounds for contesting the Notice are that the income withholding is improper due to a mistake of fact, or the amount withheld is improper due to a mistake of fact.

If you contest this Notice of Income Assignment within the above time limit, a hearing will be promptly set. Your employer will continue to withhold income unless a decision favorable to you is rendered. You and your employer will be notified of the decision within forty-five (45) days of the date the Order/Notice to Withhold Income for Child Support (also called an Order for Income Assignment or Income Assignment) was issued. If an unfavorable decision is rendered, you have a right to further appeal the decision as described in the Department's hearing order following the decision.

(Rule 1240-2-2-.07, continued)

It is your responsibility to keep the Court Clerk and the Local Child Support Office informed of the name and address of your current employer, whether you have access to health insurance coverage, and if so, the health insurance policy information. You must also immediately notify the Court Clerk and the Local Child Support Office of any changes in, or any additional employment, including the name and address of the new employer. Your new employer will be notified of the Order for Income Assignment.

An Order for Income Assignment shall be mandatory as long as current support or arrearages are still owed.

Clerks of court are authorized to issue an Order for Income Assignment to the employer or payer of income of the obligor and to institute the process to assign income when the obligor fails to pay court costs, but shall not have priority over the Order for Income Assignment for child or spousal support.

Authority: T.C.A. §§4-5-202, 36-5-501, 71-1-132(c), 42 United States Code §§651 et seq., 42 USC §§652(a)(11), 654(9)(E), 654a(g)(1)(A)(ii) and 666(a)(8) and (b), 45 C.F.R. §§303.6(c)(1), 303.7, and 303.100.
Administrative History: Original rule filed October 14, 1999; effective December 28, 1999.

1240-2-2-.08 DEPARTMENT NOTICE TO OBLIGOR OF ISSUANCE OF INCOME ASSIGNMENT DUE TO DELINQUENCY

- (1) The Notice form in Paragraph (6) shall be used by the Department of Human Services or its contractor which establish or enforce support under Title IV-D of the Social Security Act for the purpose of providing notice to an obligor of support in Tennessee that an Order/Notice to Withhold Income for Child Support (Order for Income Assignment) has been issued which will direct the obligor's employer or payer of income to withhold income from an obligor of support to meet the child or spousal support obligation.
- (2) This Notice is used:
 - (a) When, pursuant to T.C.A. § 36-5-501(b)(1)(B) no Order for Income Assignment had been previously issued for any reason, and where the records of the Clerk or the Department of Human Services show the obligor is currently delinquent;
 - (b) When, pursuant to T.C.A. §36-5-501(b)(1)(D) an Affidavit of Arrearage pursuant to 1240-2-2-.11 to support the issuance of an Order for Income Assignment is filed by the custodial parent, a guardian, or other caretaker to whom child support was previously paid directly by the obligor alleging the obligor is now in arrears as defined by T.C.A. §36-5-101(a)(5) and T.C.A. §36-5-501(b)(1)(G); or
 - (c) When an obligor fails to pay the ordered support by the due date.
- (3) The Federal Order/Notice to Withhold Income for Child Support (Order for Income Assignment) form set forth in 1240-2-2-.04, and for Tennessee employers or payers of income, the "Attachment/Information" form in 1240-2-2-.05, will be attached to the Notice form in Paragraph (6).
- (4) The Department may combine the language in this form with language of the notices issued by the Department described in this Chapter to provide notice of various actions taken by the court or actions taken administratively by the Department, and the form may be modified and transmitted by the TCSES system to contain, as may be applicable, combinations of the language in any of those notices on one form.
- (5) Appeals.

(Rule 1240-2-2-.08, continued)

- (a) The obligor may contest this Notice of Income Assignment by filing a written request for an administrative hearing with the local child support office shown on the Notice within fifteen (15) days of the mailing of the Notice. The grounds for contesting the Notice are limited to a determination of the correct identity of the person(s) or entity(ies) to whom or to which the administrative action is directed, to whether there is a mistake of fact involving the action, and:
1. A determination of the amount of arrearage;
 2. Whether the amount of payments on the arrearage, if the amount of payments were not previously ordered by the court, is reasonable as to the amount to be paid and the time over which the obligation is to be paid; and
 3. Whether the withholding of income was otherwise appropriate pursuant to the conditions of T.C.A. §36-5-501.
- (b) If the obligor contests the Notice of Income Assignment within the above time limit, a hearing will be promptly set. The employer will continue to withhold income unless a decision favorable to the obligor is rendered. The obligor and the employer will be notified of the decision within forty-five (45) days of the date the Order/Notice to Withhold Income for Child Support (also called an Order for Income Assignment or Income Assignment) was issued. If an unfavorable decision is rendered, the obligor has a right to further appeal the decision as described in the Department's hearing order following the decision.

(6) Form:

STATE OF TENNESSEE
DEPARTMENT OF HUMAN SERVICES
NOTICE OF ISSUANCE OF INCOME ASSIGNMENT DUE TO DELINQUENCY

You are hereby notified that due to a delinquency in your child support payments in the amount of \$_____ as of the _____ day of _____, _____, or due to your failure to pay your obligation on the date ordered, your employer, or other person, corporation, or institution which is a payer of income has been directed, pursuant to Tennessee Code Annotated, § 36-5-501, to withhold income payable to you to satisfy your support obligation in the amounts and for the purposes shown in the attached Order/Notice to Withhold Income for Child Support (Order for Income Assignment).

Your total arrearage as of the _____ day of _____, _____, is \$ _____ plus twelve (12%) per annum simple interest.

You may contest this Notice of Income Assignment by filing a written request for an administrative hearing with the Local Child Support Office at the address above within fifteen (15) days of the mailing of this notice as noted above. The grounds for contesting the Notice are limited to a determination of the correct identity of the person(s) or entity(ies) to whom or to which the administrative action is directed, to whether there is a mistake of fact involving the action, and:

1. A determination of the amount of arrearage;
2. Whether the amount of payments on the arrearage, if the amount of payments were not previously ordered by the court, is reasonable as to the amount to be paid and the time over which the obligation is to be paid; and
3. Whether the withholding of income was otherwise appropriate pursuant to the conditions of T.C.A. §36-5-501.

(Rule 1240-2-2-.08, continued)

If you contest this Notice of Income Assignment within the above time limit, a hearing will be promptly set. Your employer will continue to withhold income unless a decision favorable to you is rendered. You and your employer will be notified of the decision within forty-five (45) days of the date the Order/Notice to Withhold Income for Child Support (also called an Order for Income Assignment or Income Assignment) was issued. If an unfavorable decision is rendered, you have a right to further appeal the decision as described in the Department's hearing order following the decision.

It is your responsibility to keep the Court Clerk and the Local Child Support Office informed of the name and address of your current employer, whether you have access to health insurance coverage, and if so, the health insurance policy information. You must also immediately notify the Court Clerk and the Local Child Support Office of any changes in, or any additional employment, including the name and address of the new employer. Your new employer will be notified of the Order for Income Assignment.

An Order for Income Assignment shall be mandatory as long as current support or arrearages are still owed.

Clerks of court are authorized to issue an Order for Income Assignment to the employer or payer of income of the obligor and to institute the process to assign income when the obligor fails to pay court costs, but shall not have priority over the Order for Income Assignment for child or spousal support.

Authority: T.C.A. §§4-5-202, 36-5-501, 36-5-1002, 71-1-132(c), 42 United States Code §§651 et seq., 42 USC §§652(a)(11), 654(9)(E), 654a(g)(1)(A)(ii) and 666(a)(8) and (b), 45 C.F.R. §§303.6(c)(1), 303.7, and 303.100.
Administrative History: Original rule filed October 14, 1999; effective December 28, 1999.

1240-2-2-.09 DEPARTMENT NOTICE TO OBLIGOR OF INCREASE IN INCOME ASSIGNMENT TO ADMINISTRATIVELY REDUCE ARREARS

- (1) The Notice form in Paragraph (5) shall be used by the Department of Human Services or its contractors which establish or enforce support under Title IV-D of the Social Security Act for the purpose of providing notice to an obligor of support in Tennessee that, due to an accumulated arrears balance in the support payments, an increase in the amount of support has been directed by the Department pursuant to T.C.A. §36-5-501(b)(1)(B)-(E) to reduce the accumulated arrears balance by a reasonable amount within a reasonable timeframe, and a modification has been made to the previously issued Order/Notice to Withhold Income for Child Support (Order for Income Assignment) which will direct the obligor's employer or payer of income to withhold additional income from an obligor of support to meet the child or spousal support obligation.
- (2) The Modified form set forth in 1240-2-2-.12 will be attached to the Notice form in Paragraph (5).
- (3) The Department may combine the language in this form with language of the notices issued by the Department described in this Chapter to provide notice of various actions taken by the court or actions taken administratively by the Department, and the form may be modified and transmitted by the TCSES system to contain, as may be applicable, combinations of the language in any of those notices on one form.
- (4) Appeals.
 - (a) The obligor may contest this Notice of Increase in Income Assignment by filing a written request for an administrative hearing with the local child support office shown on the Notice within fifteen (15) days of the mailing of the Notice. The grounds for contesting the Notice are limited to a determination of the correct identity of the person(s) or entity(ies) to whom or to which the administrative action is directed, to whether there is a mistake of fact involving the action, and:

(Rule 1240-2-2-.09, continued)

1. A determination of the amount of arrearage;
2. Whether the amount of payments on the arrearage, if the amount of payments were not previously ordered by the court, is reasonable as to the amount to be paid and the time over which the obligation is to be paid; and
3. Whether the withholding of income was otherwise appropriate pursuant to the conditions of T.C.A. §36-5-501.

- (b) If the obligor contests the Notice of Income Assignment within the above time limit, a hearing will be promptly set. The employer will continue to withhold income unless a decision favorable to the obligor is rendered. The obligor and the employer will be notified of the decision within forty-five (45) days of the date the Order/Notice to Withhold Income for Child Support (also called an Order for Income Assignment or Income Assignment) was issued. If an unfavorable decision is rendered, the obligor has a right to further appeal the decision as described in the Department's hearing order following the decision.

(5) Form:

STATE OF TENNESSEE
DEPARTMENT OF HUMAN SERVICES
NOTICE OF INCREASE IN INCOME ASSIGNMENT TO ADMINISTRATIVELY REDUCE ARREARS

TO: _____<OBLIGOR>
 _____<ADDRESS>

FROM: _____<LOCAL CHILD SUPPORT OFFICE >
 _____<ADDRESS>
 _____<TELEPHONE NUMBER>

MAILING DATE OF NOTICE: _____

Our records indicate that you are delinquent on your child support or spousal payments of at least \$_____ as of _____<Date>.

Pursuant to Tennessee Code Annotated, §36-5-501(b)(1)(B)-(E), you are hereby notified that, in addition to all sums you are currently paying by previously ordered income assignments, \$_____ per _____ has been added to reduce the aforementioned delinquency. The amount set forth above has been determined to be a reasonable amount which will reduce the delinquency in a reasonable amount of time.

You may contest this Notice of Income Assignment by filing a written request for an administrative hearing with the Local Child Support Office at the address above within fifteen (15) days of the mailing of this notice as noted above. The grounds for contesting the Notice are limited to a determination of the correct identity of the person(s) or entity(ies) to whom or to which the administrative action is directed, to whether there is a mistake of fact involving the action, and:

1. A determination of the amount of arrearage;

(Rule 1240-2-2-.09, continued)

2. Whether the amount of payments on the arrearage, if the amount of payments were not previously ordered by the court, is reasonable as to the amount to be paid and the time over which the obligation is to be paid; and
3. Whether the withholding of income was otherwise appropriate pursuant to the conditions of T.C.A. §36-5-501.

If you contest this Notice of Income Assignment within the above time limit, a hearing will be promptly set. Your employer will continue to withhold income unless a decision favorable to you is rendered. You and your employer will be notified of the decision within forty-five (45) days of the date the Order/Notice to Withhold Income for Child Support (also called an Order for Income Assignment or Income Assignment) was issued. If an unfavorable decision is rendered, you have a right to further appeal the decision as described in the Department's hearing order following the decision.

It is your responsibility to keep the Court Clerk and the Local Child Support Office informed of the name and address of your current employer, whether you have access to health insurance coverage, and, if so, the health insurance policy information. You must also immediately notify the Court Clerk and the Local Child Support Office of any changes in, or any additional employment, including the name and address of the new employer. Your new employer will be notified of the Order for Income Assignment.

An Order for Income Assignment shall be mandatory as long as current support or arrearages are still owed.

Clerks of court are authorized to issue an Order for Income Assignment to the employer or payer of income of the obligor and to institute the process to assign income when the obligor fails to pay court costs, but shall not have priority over the Order for Income Assignment for child or spousal support.

Authority: T.C.A. §§4-5-202, 36-5-501, 36-5-1002, 71-1-132(c), 42 United States Code §§651 et seq., 42 USC §§652(a)(11), 654(9)(E), 654a(g)(1)(A)(ii) and 666(a)(8) and (b), 45 C.F.R. §§303.6(c)(1), 303.7, and 303.100.
Administrative History: Original rule filed October 14, 1999; effective December 28, 1999.

1240-2-2-10 DEPARTMENT NOTICE OF ENROLLMENT IN HEALTH CARE COVERAGE

- (1) The Notice form in Paragraph (4) shall be used by the Department of Human Services or its contractors which establish or enforce support under Title IV-D of the Social Security Act for the purpose of providing notice to an obligor of support in Tennessee, as directed on the Modified Order/Notice to Withhold Income for Child Support (Order for Income Assignment), that, following a change of employers by the obligor, the obligor's employer has been directed to enroll the obligor's child(ren) who are subject to the court order for support in health care coverage provided by the obligor's employer.
- (2) For a modification of a previous Order/Notice to Withhold Income for Child Support (Order for Income Assignment) which now includes a notice of enrollment in health care, the Modified form set forth in 1240-2-2-.12, with the appropriate Departmental notice to the employer of enrollment of the obligor's child(ren) checked on page 1 of the form will be attached to the Notice form in Paragraph (4).
- (3) The Department may combine the language in this form with language of the notices issued by the Department described in this Chapter to provide notice of various actions taken by the court or actions taken administratively by the Department, and the form may be modified and transmitted by the TCSES system to contain, as may be applicable, combinations of the language in any of those notices on one form.

(Rule 1240-2-2-.10, continued)

(4) Form:

STATE OF TENNESSEE
DEPARTMENT OF HUMAN SERVICES
NOTICE OF ENROLLMENT OF CHILDREN IN HEALTH CARE COVERAGE

Pursuant to T.C.A. §36-5-101(f) and the attached Order/Notice to Withhold Income for Child Support (also called an Order for Income Assignment, Income Assignment Order, Income Assignment or Assignment), your employer has been directed, to enroll the following child(ren) in your family healthcare plan offered by your employer:

_____	DOB _____	SSN: _____
_____	DOB _____	SSN: _____
_____	DOB _____	SSN: _____
_____	DOB _____	SSN: _____

You may contest this Notice of Enrollment by filing a written request for an administrative hearing with the child support office shown above within fifteen (15) calendar days of the mailing date of this Notice and by filing a copy of your written appeal request with your employer within the same timeframe. If you do not file the request with your employer, the above-named child(ren) will be enrolled in any family healthcare coverage available to you through your employer even if your appeal is timely filed with the local child support office. The grounds for contesting the enrollment are limited to a mistake of identity or fact involving the action and the reasonableness of the cost of the insurance.

If you contest this Notice of Enrollment within the above time limit, a hearing will be promptly set. If you fail to timely file a copy of your appeal of the Notice of Enrollment for health insurance coverage, your employer will enroll and continue the health care coverage for your child(ren) pending the appeal decision. You and your employer will be notified of the decision within forty-five (45) days of the date the Order/Notice to Withhold Income for Child Support (also called an Order for Income Assignment or Income Assignment), and the Notice of Enrollment contained on that form, was issued. If an unfavorable decision is rendered, you have a right to further appeal the decision as described in the Department's hearing order following the decision.

It is your responsibility to keep the Court Clerk and the Local Child Support Office informed of the name and address of your current employer, whether you have access to health insurance coverage, and if so, the health insurance policy information. You must also immediately notify the Court Clerk and the Local Child Support Office of any changes in, or any additional employment, including the name and address of the new employer. Your new employer will be notified of the Order for Income Assignment.

Authority: T.C.A. §§4-5-202, 36-5-101(f), 36-5-501, 36-5-1002, 71-1-132(c), 42 United States Code §§651 et seq., 42 USC §§652(a)(11), 654(9)(E), 654a(g)(1)(A)(ii) and 666(a)(8) and (b), 45 C.F.R. §§303.6(c)(1), 303.7, and 303.100. **Administrative History:** Original rule filed October 14, 1999; effective December 28, 1999.

1240-2-2-.11 AFFIDAVIT OF ARREARAGE

- (1) The Affidavit form in Paragraph (2) shall be completed by the custodial parent, the guardian, or other caretaker of the child and shall be used by the Clerk of the Court or by the Department of Human Services or its contractor for the purpose of supporting the issuance of an Order/Notice to Withhold Income for Child Support (Order for Income Assignment) pursuant to Rule 1240-2-2-.04. It will only be used in conjunction with the request of a custodial parent, a guardian, or other caretaker to whom child or spousal support was previously paid directly, because no Order for Income Assignment had been issued, for any reason, when the obligor of support is now alleged to be in arrears in the affidavit filed by the custodial parent, the guardian, or other caretaker of the child.

(Rule 1240-2-2-.11, continued)

(2) Form:

STATE OF TENNESSEE

STATE OF TENNESSEE

COUNTY OF _____

AFFIDAVIT OF ARREARAGE

First being duly sworn, affiant would state:

I am _____, <Custodial Parent/Guardian/Caretaker of the Child>.

I do hereby swear or affirm that to the best of my knowledge, information and belief, as of _____ <Date>, the Respondent, _____, is in arrears for support in the total amount of \$ _____, which was calculated as follows:

Month _____	Year _____	Amount \$ _____
Month _____	Year _____	Amount \$ _____
Month _____	Year _____	Amount \$ _____
Month _____	Year _____	Amount \$ _____
Month _____	Year _____	Amount \$ _____
Month _____	Year _____	Amount \$ _____
Month _____	Year _____	Amount \$ _____
Month _____	Year _____	Amount \$ _____
Month _____	Year _____	Amount \$ _____
Month _____	Year _____	Amount \$ _____
Month _____	Year _____	Amount \$ _____
Month _____	Year _____	Amount \$ _____
Month _____	Year _____	Amount \$ _____
Month _____	Year _____	Amount \$ _____

Name-Please Print_____
Signature_____
Date

Further affiant sayeth not.

Sworn to and subscribed before me this _____ day of _____, _____.

Notary Public/Court Clerk

My commission expires: _____

Authority: T.C.A. §§4-5-202, 36-5-501, 71-1-132(c), 42 United States Code §§651 et seq., 42 USC §§652(a)(11), 654(9)(E), 654a(g)(1)(A)(ii) and 666(a)(8) and (b), 45 C.F.R. §§303.6(c)(1), 303.7, and 303.100.
Administrative History: Original rule filed October 14, 1999; effective December 28, 1999.

1240-2-2-.12 MODIFIED ORDER/NOTICE TO WITHHOLD INCOME FOR CHILD SUPPORT (ORDER FOR INCOME ASSIGNMENT)

- (1) The Modified Order/Notice to Withhold Income for Child Support form in Paragraph (3) shall be used:
 - (a) By the Department or its contractors to indicate to the employer/payer of income that the Order/Notice to Withhold Income for Child Support (Order for Income Assignment) has been modified so that the newly ordered amounts will be substituted in place of the previously ordered amounts or to recover any fees or costs as allowed by law;
 - (b) By the Clerk or the Department to denote the termination of an income assignment as indicated on the form;
 - (c) Only by the Department to notify the obligor of enrollment, pursuant to T.C.A. §36-5-101(f), of the obligor's children, in employer-provided family health care coverage following a change of employers by the obligor; and
 - (d) To notify the entity withholding the income of the obligor of any other changes to the processing of the payments withheld including, but not limited to, a change in payment location, frequency of payment, or other processing data.
- (2) All instructions applicable for the form established by 1240-2-2-.04 shall be applicable for this form, except where the context otherwise clearly requires. In particular, Paragraph #10 of the Modified Order/Notice to Withhold Income for Child Support denotes on the form that the Order has been modified or terminated.
- (3) Form:

(Rule 1240-2-2-.12, continued)

MODIFIED

MB control No: 0970-

0154

Expiration date: 12-31-00

ORDER/NOTICE TO WITHHOLD INCOME FOR CHILD SUPPORT

State: _____ Original Order/Notice
 Co./City/Dist. Of: _____ Amended Order/Notice
 Date of Order/Notice _____ Terminate Order/Notice
 Court/Case Number _____

_____)	RE: _____
Employer/Withholder's Federal EIN Number)	Employee/Obligor's Name (Last, First, MI)
_____)	*
Employer/Withholder's Name)	Employee/Obligor's Social Security Number
_____)	*
Employer/Withholder's Address)	Employee/Obligor's Case Identifier
_____)	
_____)	Custodial Parent's Name (Last, First, MI)
_____)	

Child(ren)'s Name(s): _____ DOB _____

Child(ren)'s Name(s): _____ DOB _____

ORDER INFORMATION: This is an Order/Notice to Withhold Income for Child Support based upon an order for support from _____. By law, you are required to deduct these amounts from the above-named employee's/obligor's income until _____, even if the Order/notice is not issued by your State.

☐ If checked, you are required to enroll the child(ren) identified above in any health insurance coverage available through the employee's /obligor's employment. _____

\$ _____	per _____	in current support	
\$ _____	per _____	in past-due support	Arrears 12 weeks or greater?
\$ _____	per _____	in medical support	<input type="checkbox"/> yes <input type="checkbox"/> no
\$ _____	per _____	in other (specify) _____	
\$ _____	per _____	in other (specify) _____	
for a total \$ _____	per _____	to be forwarded to the payee below.	
of _____	_____		

You do not have to vary your pay cycle to be in compliance with the support order. If your pay cycle does not match the ordered support payment cycle, use the following to determine how much to withhold:

\$ _____ per weekly pay period.	\$ _____ per semimonthly pay period (twice a month).
\$ _____ per biweekly pay period (every two weeks).	\$ _____ per monthly pay period.

REMITTANCE INFORMATION:

You must begin withholding no later than the first pay period occurring _____ working days after the date of this Order/Notice. Send payment within _____ working days of the paydate/date of withholding. You are entitled to deduct a fee to defray the cost of withholding. Refer to the laws governing the work state of the employee for the allowable amount. The total withheld amount, including your fee, cannot exceed _____% of the employee's/obligor's aggregate disposable weekly earnings. For the purpose of the limitation on withholding, the following information is needed (see #9 on back).

When remitting payment provide the paydate/date of withholding and the case identifier

If remitting by EFT/EDI, use this FIPS code: * _____; Bank routing code: * _____;

Bank account number: * _____.

(Rule 1240-2-2-.12, continued)

Make it payable to: Payee and case identifierSend check to: Payee's address

Authorized

by _____

Print

Name _____

OMB Control No: 0970-0154

Expiration date: 12-31-00

ADDITIONAL INFORMATION TO EMPLOYERS AND OTHER WITHHOLDERS

☐ If checked you are required to provide a copy of this form to your employee.

1. Priority: Withholding under this Order/Notice has priority over any other legal process under State law against the same income. Federal tax levies in effect before receipt of this order have priority. If there are Federal tax levies in effect please contact the requesting agency listed below.
2. Combining Payments: You can combine withheld amounts from more than one employee/obligor's income in a single payment to each agency requesting withholding. You must, however, separately identify the portion of the single payment that is attributable to each employee/obligor.
- 3.* Reporting the Paydate/Date of Withholding: You must report the paydate/date of withholding when sending the payment. The paydate/date of withholding is the date on which the amount was withheld from the employee's wages. You must comply with the law of the state of employee's/obligor's principal place of employment with respect to the time periods within which you must implement the withholding order and forward the child support payments.
- 4.* Employee/Obligor with Multiple Support Withholdings: If there is more than one Order/Notice to Withhold Income for Child Support against this employee/obligor and you are unable to honor all support Order/Notices due to Federal or State withholding limits, you must follow the law of the state of the employee's/obligor's principal place of employment. You must honor all Order/Notices to the greatest extent possible. (see #9 below)
5. Termination Notification: You must promptly notify the payee when the employee/obligor is no longer working for you. Please provide the information requested and return a copy of this order/notice to the agency identified below.
 EMPLOYEE'S OBLIGOR'S NAME: _____
 EMPLOYEE'S CASE IDENTIFIER: _____ DATE OF SEPARATION: _____
 LAST KNOWN HOME ADDRESS: _____
 NEW EMPLOYER'S ADDRESS: _____
6. Lump Sum Payments: You may be required to report and withhold from lump sum payments such as bonuses, commissions, or severance pay. If you have any questions about lump sum payments, contact the person or authority below.
7. Liability: If you fail to withhold income as the Order/Notice directs, you are liable for both the accumulated amount you should have withheld from the employee/obligor's income and any other penalties set by State Law.

8. Anti-discrimination: You are subject to a fine determined under State law for discharging an employee/obligor from employment, refusing to employ, or taking disciplinary action against any employee/obligor because of a child support withholding.

(Rule 1240-2-2-.12, continued)

- 9.* Withholding Limits: You may not withhold more than the lesser of: 1) the amounts allowed by the Federal Consumer Credit Protection Act (15 USC §1673(b)); or 2) the amounts allowed by the State of the employee's/obligor's principal place of employment. The Federal limit applies to the aggregate disposable weekly earnings (ADWE). ADWE is the net income left after making mandatory deductions such as: State, Federal, local taxes; Social Security taxes; and Medicare taxes.
10. The income withholding order has been modified, as reflected on page 1. The amount is the new total to be deducted, and should not be added to the amount previously ordered for this court/case number. (You may, by other orders, be required to deduct additional amounts for the same employee or income recipient for other cases involving the employee's or income recipient's other children.)
☐ If checked, you are no longer required to withhold income for this employee/income recipient only in the case number at the top of page 1.

*NOTE: If you or your agent are served with a copy of this order in the state that issued the order, you are to follow the law of the state that issued this order with respect to these items.

Requesting Agency: _____

If you or your employee/obligor have any questions, contact: _____ by telephone at _____ or by FAX at _____ or by Internet at: _____.

- (3) For a modification of the amount of a previous Order/Notice to Withhold Income for Child Support (Order for Income Assignment), the Notice form in Paragraph (5) will be attached, by the Department of Human Services or its contractors enforcing child support under Title IV-D, to the Modified Order:
- (4) Appeals.
- (a) The obligor may contest this Notice of Income Assignment by filing a written request for an administrative hearing with the local child support office shown on the Notice within fifteen (15) days of the mailing of the Notice. The grounds for contesting the Notice are that the income withholding is improper due to a mistake of fact, or the amount withheld is improper due to a mistake of fact.
- (b) If the obligor contests the Notice of Income Assignment within the above time limit, a hearing will be promptly set. The employer will continue to withhold income unless a decision favorable to the obligor is rendered. The obligor and the employer will be notified of the decision within forty-five (45) days of the date the Order/Notice to Withhold Income for Child Support (also called an Order for Income Assignment or Income Assignment) was issued. If an unfavorable decision is rendered, the obligor has a right to further appeal the decision as described in the Department's hearing order following the decision.
- (5) Form:

STATE OF TENNESSEE
DEPARTMENT OF HUMAN SERVICES
NOTICE OF MODIFICATION OF INCOME ASSIGNMENT

TO: _____ <OBLIGOR>
 _____ <ADDRESS>

FROM: _____ <LOCAL CHILD SUPPORT OFFICE >
 _____ <ADDRESS>
 _____ <TELEPHONE NUMBER>

(Rule 1240-2-2-.12, continued)

MAILING DATE OF NOTICE: _____

Pursuant to a court order, statutory requirements directing payment by Order/Notice to Withhold Income for Child Support (Order for Income Assignment), or administrative actions by the Department of Human Services, you have been ordered to pay your child support obligation by means of an income assignment. This is to notify you that the original Order/Notice to Withhold Income for Child Support (Order for Income Assignment) has been modified and that your employer, or other person, corporation, or institution which is a payer of income has been directed, pursuant to Tennessee Code Annotated, §36-5-501, to withhold a greater or lesser amount of income payable to you to satisfy your support obligation.

Your income assignment has been modified in the following manner:

(Rule 1240-2-2-.12, continued)

You may contest this Notice of Modification Income Assignment by filing a written request for an administrative hearing with the Local Child Support Office at the address above within fifteen (15) days of the mailing of this notice as noted above. The grounds for contesting the Notice are that the income withholding is improper due to a mistake of fact, or the amount withheld is improper due to a mistake of fact.

If you contest this Notice of Income Assignment within the above time limit, a hearing will be promptly set. Your employer will continue to withhold income unless a decision favorable to you is rendered. You and your employer will be notified of the decision within forty-five (45) days of the date the Order/Notice to Withhold Income for Child Support (also called an Order for Income Assignment or Income Assignment) was issued. If an unfavorable decision is rendered, you have a right to further appeal the decision as described in the Department's hearing order following the decision.

It is your responsibility to keep the Court Clerk and the Local Child Support Office informed of the name and address of your current employer, whether you have access to health insurance coverage, and if so, the health insurance policy information. You must also immediately notify the Court Clerk and the Local Child Support Office of any changes in, or any additional employment, including the name and address of the new employer. Your new employer will be notified of the Order for Income Assignment.

An Order for Income Assignment shall be mandatory as long as current support or arrearages are still owed.

Clerks of court are authorized to issue an Order for Income Assignment to the employer or payer of income of the obligor and to institute the process to assign income when the obligor fails to pay court costs, but shall not have priority over the Order for Income Assignment for child or spousal support.

Authority: T.C.A. §§4-5-202, 36-5-501, 71-1-132(c), 42 United States Code §§651 et seq., 42 USC §§652(a)(11), 654(9)(E), 654a(g)(1)(A)(ii) and 666(a)(8)and (b), C.F.R. §§303.6(c)(1), 303.7, and 303.100. **Administrative History:** Original rule filed October 14, 1999; effective December 28, 1999.

1240-2-2-.13 NOTICES TO AND APPEALS BY OBLIGORS OF OUT-OF-STATE EMPLOYERS/PAYERS OF INCOME

- (1) In any circumstances in this Chapter in which the Clerk or the Department is required to send a Notice to the obligor, the information described in the Notice in Paragraph (3) shall be included in the Notice, or it shall be attached as a separate notice to any Notice required to be sent by this Chapter to inform the obligor of the obligor's appeal rights.
- (2) An obligor whose out-of-state employer or payer of income is sent any Order/Notice to Withhold Income for Child Support (Order for Income Assignment) Order established by this Chapter may appeal the Order pursuant to the provisions of Section 506 of the Uniform Interstate Family Support Act (UIFSA)[codified in Tennessee at Tennessee Code Annotated (T.C.A.) §36-5-2506].
- (3) Form:

(Rule 1240-2-2-.13, continued)

STATE OF TENNESSEE
NOTICE OF APPEAL RIGHTS FOR OBLIGORS
OF OUT-OF-STATE EMPLOYER/PAYERS OF INCOME

As an obligor of child or spousal support whose employer or payer of income in a state other than Tennessee receives either the attached initial Order/Notice to Withhold Income for Child Support (Order for Income Assignment) or the attached modified Order/Notice to Withhold Income for Child Support (Order for Income Assignment) from the State of Tennessee, you may appeal the issuance of the Order pursuant to the provisions of Section 506 of the Uniform Interstate Family Support Act (UIFSA)[codified in Tennessee at T.C.A. §36-5-2506].

These provisions are as follows:

1. An obligor may contest the validity or enforcement of an income-withholding order issued in Tennessee and received directly by your employer in this state in the same manner as if the order had been issued by a tribunal of the state of your employer or payer or income [UIFSA Section 604] [T.C.A. §36-5-2604] (Choice of Law) applies to the contest.
2. The obligor shall give notice of the contest to:
 - (a) The Tennessee child support office noted in the attached Order;
 - (b) Your employer or payer of income named in the attached Order that has received an income-withholding order; and
 - (c) The person [the caretaker of the child] or agency [the Tennessee Court or Tennessee Child Support office] designated to receive payments in the income-withholding order or if no person or agency is designated, to the person who is the recipient of the support;.
3. Section 604 of UIFSA [T.C.A. §36-5-2604] provides that:
 - (a) The law of Tennessee governs the nature, extent, amount, and duration of current payments and other obligations of support and the payment of arrearages under the order.
 - (b) In a proceeding for arrearages, the statute of limitation of Tennessee governs. There is no statute of limitations in Tennessee, meaning that support can be collected at any time and can always be collected until the support obligation is satisfied.

Authority: T.C.A. §§4-5-202, 36-2-321, 36-5-103, 36-5-501, 36-5-2506, 36-5-2604, 71-1-132(c), 42 United States Code §§651 et seq., 42 USC §§652(a)(11), 654(9)(E), 654a(g)(1)(A)(ii) and 666(a)(8)and (b), C.F.R. §§303.6(c)(1), 303.7, and 303.100. **Administrative History:** Original rule filed October 14, 1999; effective December 28, 1999.